

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 12922 of Lucian Bauman, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances allowing an addition to a dwelling which now exceeds the allowable percentage of lot occupancy and floor area ratio requirements (Paragraph 7107.21), from the FAR requirements (Sub-section 3302.1 and Paragraph 7107.23) and from the percentage of lot occupancy requirements (Sub-section 3303.1 and Paragraph 7107.23) to construct a rear addition to a dwelling/Doctor's office which is a non-conforming structure in the R-5-B District at the premises 3553 16th Street, N.W., (Square 2687, Lot 799).

HEARING DATE: May 16, 1979

DECISION DATE: May 16, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the east side of 16th Street between Ogden Street and Hertford Place, N.W. It is in an R-5-B District and known as 3553 16th Street, N.W.

2. The lot has a sloping terrain and has an area of only 1,320 square feet. It is improved with a three story row dwelling. A public alley sixteen feet wide is at the rear of the subject lot. Row dwellings surround the subject property.

3. The subject property is used as a single family dwelling and doctor's office. The applicant has practiced medicine at the premises for twenty eight years without apparent adverse effect.

4. The present size of the office is inadequate for the new equipment that the applicant requires.

5. The applicant proposes to construct a rear addition to the subject property which is a non-conforming structure.

6. Pursuant to Paragraph 7107.21 enlargements or additions to non-conforming structures are permitted provided that such structure conforms with the height of building, percentage of lot occupancy and floor area ratio limitations for the district in which it is located.

7. The R-5-B District permits a sixty percent lot occupancy and an FAR of 1.8. Only 792 square feet of lot occupancy are allowed. The existing structure already occupies 909.26 square feet of building area. The proposed addition will occupy only 73.50 square feet for a total of 982.76 square feet of the lot. As to the FAR, 2376.0 square feet of gross floor area are allowed and 2682.15 square feet are provided. The addition would contain 73.50 square feet. The applicant needs a variance of 190.76 square feet from the lot occupancy and 306.15 square feet from the FAR requirements.

8. The new addition will be one-story. It will not exceed the height of the existing structure and will be at the first floor level, its support being a column and the existing wall. The area below the new addition will be left open.

9. The two parking spaces to the rear of the property will not be moved.

10. The rear window on the existing structure will be removed and later placed at the rear of the new addition. It will conform with other existing windows.

11. Light and air of the abutting properties will not be affected. The windows of all the houses are situated to the front and rear of the dwellings.

12. Of the nineteen houses on the block twelve houses already have rear additions.

13. Advisory Neighborhood Commission 1A made no recommendation on this application.

14. There was no opposition to the application.

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CONCLUSIONS OF LAW:

Based on the findings of fact, the Board concludes that the variances requested are area variances, the granting of which requires the showing of a practical difficulty inherent in the property upon the owner. The Board concludes that the small size of the lot when combined with the fact that the subject structure already exceeds the lot occupancy and FAR requirements creates a practical difficulty inherent in the property.

The Board concludes that the use of the property for the past twenty-eight years created no adverse impact on the neighborhood. The Board also notes that most of the other residences have similar rear additions and concludes that the granting of the variances to the applicant would be without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application be GRANTED.

VOTE: 3-0 (John G. Parsons, Chloethiel Woodard Smith, Charles R. Norris to grant; William F. McIntosh and Leonard L. McCants not present, not voting)

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT

ATTESTED BY: \_\_\_\_\_



STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 23 JUL 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.